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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,555	01/19/2005	Pierre Doublet	052014	9342
38834 7590 04/11/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
DICUS, TAMRA				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/521,555

Applicant(s)

DOUBLET, PIERRE

Examiner

TAMRA L. DICUS

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,11,12,15-17 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,11,12,15-17 and 21-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 01-19-05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The prior specification objection and 112 rejections are withdrawn due to Applicant's amendments.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-3, 5-8, 11-12, 15-17, 21-27 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner believes that independent claim 1 (amended) does not have the proper support in the original specification as filed because the specification does not provide any teaching or discussion on a two-dimensional lines/image or its usage with Applicant's claimed security document and thus said term(s) is considered new matter. See page 6, lines 12-21 of the instant specification explaining a single grid pattern with a 3D effect, nowhere in the specification including this page describes merely a two-dimensional image nor describe how a two-dimensional image has a three-dimensional appearance. All of the effects described within the 6 pages of the instant specification, specifically at pages 3 and 5-6 have only referenced a 3D effect, not a 2D image.

New claims 22-27 describing how lines change under excitation source and the sources is also new matter as such description was not originally filed.

- Applicant alleges that a single grid pattern is inherently a 2D image, however, the grid pattern does not encompass or suggest all be two-dimensional images as claimed. The subject matter now claimed was not originally described in the filed specification and is therefore considered new matter.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3, 5-8, 11-12, 15-17, 21-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the front side" and "the reverse side" in lines 3 and 7. There is insufficient antecedent basis for this limitation in the claim. It is not clear if the indicia are on the element or the document.

Claim 1 recites a two-dimensional image that has the appearance of a three-dimensional image, which is confusing because the first set of line and second set of lines are on opposite sides of the sheet. That means they are separated by the thickness of the document or element. They no longer form a 2 dimensional figure. The claim as worded is impossible. Also, if the document is paper, how do the lines on each side interact? There's no requirement for transparency of the document.

Most of the dependent claims recite "the lines", which is indefinite since it is not clear as

to which set of lines is being referred.

Claims 6 and 21 recite alternating lines on the front and reverse side, but claim 1 recites they are required on both sides.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5-8, 11, 15, 17, and 21-27 are rejected under 35 U.S.C. 102 (b) as being anticipated by Zeiter et al. (CA 23335239).

Zeiter teaches a security (page 6, lines 30-31) (counterfeit-proof, equivalent to against copying) having on both sides of a transparent material 10, superimposed, overlapping, and identical images 12 and 14, of patterns of broken lines, in a spatial relationship (because said lines are the same spaced on both sides, they are in series and complementary), changing also in viewing angle, using a mathematical equation (page 6, lines 5-32, and page 7, 10-32, FIG. 1 and associated text) resulting in a three dimensional moiré effect, observed in reflected light. The math equation correlates the angle and distances to the resolution (printing intensity) of the image, which is very fine. Zeiter teaches moiré images are two-dimensional (page 3, lines 6-10) and result from two overlapping patterns. Because the same lines and positioning are employed teaching viewing angles, resolution, straight and curved lines, and lightness to darkness effects, Zeiter's teaching embraces varying printing intensity and density of claim 2. See page 3, lines

20—35 and page 7. While Zeiter does not expressly state the exact wording where the two-dimensional image is observed in transmitted light, or that the two-dimensional image has the appearance of a three-dimensional image; however, Zeiter explains on page 3, lines 5-20 that that a two-dimensional image moiré effect can use reflecting material (conductive property) to change the angle of reflection and prepares a three dimensional moiré pattern and effects when incorporating trade names and signs (see page 3 lines 18, and 31), and thus is equivalent in meaning to a two-dimensional image having an appearance of a three-dimensional image as the final view/effect of the two-dimensional moiré effect is three-dimensional. Because the lines change appearance depending on the viewing angle is the same, then what happens under excitation sources are inherent properties. The language of Zeiter thus addresses the limitations of instant Claims 1-11, 13-15, 17, and 21-27.

- Applicant argues that an actual depth of the image is not required but the 2D pattern formed by the lines gives a visual impression of a 3D image. As noted above, this is confusing language, either the resultant image is 2D or 3D. The same lines and positioning is the same, and thus any effect therefrom is inherent.
- Applicant has submitted an illustrative sample, but it is not clear if this is Applicant's own work, as no drawings were previously submitted. Further more, one cannot see the 3D appearance as Applicant alleges because the example is not the actual piece that the Examiner can touch it and view it to see this effect. Thus, Applicant's allegations to Zeiter not anticipating the claims are not convincing.

Claim Rejections – 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-3, 5-8, 11-12, 15-17, and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andric et al. in view of Zeiter.

Andric teaches a security paper with a watermark (element) and superimposed, overlapping, and identical indicia on both sides that is observed in reflected light and viewed in transmitted light (18, 20, 22, Fig. 1 and associated text, 12:1-35) on a paper support (10, Fig. 1), where the images are numerals, words, or symbols in any number combination (9:1-10, embraces dots, alternating, varying). Regions 40, 42, 44, 46, 48 (Fig. 1) are transparent (thus including a region of reduced opacity as per instant claim 12). Also Fig. 2 teaches a similar paper, including any pigments to increase opacity. The images are printed using fluorescent or magnetic inks (13:1-15, same material as magnetic so the excitation what happens under excitation sources are inherent properties). The language of Andric thus addresses the limitations of instant Claims 1-3, 5-8, 11-12, 15-17, and 21-27.

Andric does not teach the indicia are two-dimensional when observed in transmitted light or having the appearance of a three-dimensional image (Claims 1-3, 5-8, 11-12, and 17).

Zeiter teaches a security (page 6, lines 30-31) (counterfeit-proof, equivalent to against copying) having on both sides of a transparent material 10, superimposed, overlapping, and

identical images 12 and 14, of patterns of broken lines, in a spatial relationship (because said lines are the same spaced on both sides, they are in series and complementary), changing also in viewing angle, using a mathematical equation (page 6, lines 5-32, and page 7, 10-32, FIG. 1 and associated text) resulting in a three dimensional moiré effect, observed in reflected light. The math equation correlates the angle and distances to the resolution (printing intensity) of the image, which is very fine. Zeiter teaches moiré images are two-dimensional (page 3, lines 6-10) and result from two overlapping patterns. Because the same lines and positioning are employed teaching viewing angles, resolution, straight and curved lines, and lightness to darkness effects, Zeiter's teaching embraces varying printing intensity and density of claim 2. See page 3, lines 20—35 and page 7. While Zeiter does not expressly state the exact wording where the two-dimensional image is observed in transmitted light, or that the two-dimensional image has the appearance of a three-dimensional image; however, Zeiter explains on page 3, lines 5-20 that that a two-dimensional image moiré effect can use reflecting material (conductive) to change the angle of reflection and prepares a three dimensional moiré pattern and effects when incorporating trade names and signs (see page 3 lines 18, and 31), and thus is equivalent in meaning to a two-dimensional image having an appearance of a three-dimensional image as the final view/effect of the two-dimensional moiré effect is three-dimensional. Because the lines change appearance depending on the viewing angle is the same, then what happens under excitation sources are inherent properties. The language of Zeiter thus addresses the limitations of instant Claims 1-11, 13-15, and 17.

It would have been obvious to one having ordinary skill in the art to have modified

the teaching of Andric to include or use two dimensional images appearing three dimensional because Zeiter teaches a similar security produces an optical effect as an aid to prevent counterfeiting as cited above.

- Applicant argues that Zeiter forms an actual 3D moiré image, but the lines are not used to represent a 2D image with a 3D visual impression. However, the claims do not recite this, but a two-dimensional image having the appearance of a three-dimensional image, which Zeiter teaches two-dimensional moiré images are made to appear three-dimensional as set forth above. And because the same lines and positioning are employed teaching viewing angles, resolution, straight and curved lines, and lightness to darkness effects, Zeiter's teaching embraces varying printing intensity and density of claim 2.

10. Claims 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeiter et al. (CA 2335239) in view of Doublet et al.

Zeiter essentially teaches the claimed invention above.

Zeiter does not expressly teach a paper support, while using cardboard-type supports (per instant claims 12 and 16).

Doublet teaches a paper having print on it having transparent areas to make a sheet very difficult to reproduce with a copier (5:50-68).

It would have been obvious to one having ordinary skill in the art to have modified the Zeiter reference to include or use a reduced opacity paper in regions as claimed because Doublet teaches a paper having print on it having transparent areas to make a sheet very difficult to reproduce with a copier (5:50-68).

- Applicant has not argued this rejection and thus is maintained.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMRA L. DICUS whose telephone number is (571)272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1794

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tamra L. Dicus /TLD/
Examiner
Art Unit 1794

/KEITH D. HENDRICKS/
Supervisory Patent Examiner, Art Unit 1794

3/8/08